

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3   DAVON LYONS,

4                                   Petitioner,

5   v.

6   WARDEN BRIAN WILLIAMS, *et al.*,

7                                   Respondents.

Case No.: 2:19-cv-00966-APG-NJK

**ORDER**

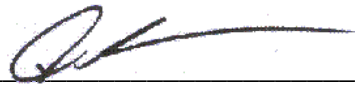
8           Petitioner Davon Lyons moves for leave to file a second amended petition following an  
9 adequate opportunity for investigation.. ECF No. 8. Lyons filed a counseled first amended  
10 petition on the first day of the provisional representation to preserve all known claims by one  
11 possible expiration date of the federal limitation period. As also noted in the initial provisional  
12 appointment order, I have authorized such a “two-step” procedure in prior cases where time  
13 potentially remains in the federal limitation period at the time of the appointment but that period  
14 may expire prior to a full opportunity for investigation by counsel. *See, e.g., McMahon v. Neven*,  
15 No. 2:14-cv-00076-APG-CWH, ECF No. 29 (D. Nev., May 29, 2014) (approving and explaining  
16 the rationale in allowing a bifurcated amendment procedure).

17           Such a two-step procedure is warranted here. I noted in my prior order the potential  
18 uncertainty as to the base calculation of the federal limitation period in this action. *See* ECF No.  
19 4, at 3-4 & n.2. While I express no opinion as to the ultimate calculation of the limitation period,  
20 it is understandable that counsel has sought to preserve all then-known claims by one possible  
21 expiration date. The atypically roughhewn and provisional nature of the pleading further is  
22 understandable given the short timeframe involved, appearing to reflect an inquiry reasonable  
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1 under such circumstances. I express no opinion whether any of the amended pleadings will  
2 relate back to an earlier filing.

3 IT IS THEREFORE ORDERED that petitioner Davon Lyons's motion for leave to file a  
4 second amended petition (**ECF No. 8.**) is **GRANTED**. Lyons shall have 120 days from entry of  
5 this order within which to file a second amended petition.

6 Dated: June 13, 2019.

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9 ANDREW P. GORDON  
10 UNITED STATES DISTRICT JUDGE  
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